

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (Eastern Division)**

DIRECTV, Inc.

) Case No.: **03cv12325 MLW**

Plaintiff,

VS.

**PLAINTIFF'S REQUEST
FOR ENTRY OF DEFAULT**

David Annand

Defendant

Plaintiff, DIRECTV, Inc (“DIRECTV”), by and through its undersigned attorney, pursuant to provisions of Rule 55 of the Federal Rules of Civil Procedure, hereby requests the Clerk of this United States District Court to enter a notice of default against defendant, **David Annand**, for his failure to plead or otherwise defend the action brought by DIRECTV.

The original Complaint in this action was amended by the filing of an Amended Complaint on October 5, 2004. The original Complaint had been amended by withdrawing certain counts and by limiting the Plaintiff's rights upon default. Specifically the Amended Complaint contained a modified remedies provision which now provides that in the event of a default DIRECTV will seek:

“...an award of statutory damages of *up to \$10,000* for violations of 47 U.S.C. § 605(a), a further award of DIRECTV’s reasonable attorneys’ fees in the amount of \$850.00 and costs” (*emphasis added*)

After the filing of the Amended Complaint a copy thereof was served upon the Defendant pursuant to Rule 5 of the Federal Rules of Civil Procedure by mailing a copy to the Defendant at his last known address on October 5, 2004. The mailing to the Defendant was never returned to Plaintiff's counsel's office and the time for responsive pleading has long since passed. Accordingly, the Plaintiff moves that a Default be entered against the Defendant. Once Default

has entered the Plaintiff intends to move forward with Default Judgment pursuant to the above quoted remedies provision.

In further support of this request please see the Affidavit of Plaintiff's counsel filed herewith.

1/25/05

Date

/s/ John M. McLaughlin

John M. McLaughlin (BBO: 556328)
Green Miles Lipton & Fitz-Gibbon
31 Trumbull Road
Northampton, MA 01060
(413) 586-0865

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 24th day of January, 2005, a copy of the foregoing Request for the Entry of Default, the Affidavit in Support thereof and a proposed order were mailed first class to:

David Annand
32 E. Russell Mills Rd.
Plymouth, MA

/s/ John M. McLaughlin
John M. McLaughlin, Esq.